

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

**UNITED STATES OF AMERICA,** )  
  )  
  )  
Plaintiff,                          )  
  )  
  )  
v.                                    ) Case No. CR 18-14-GF-BMM  
  )  
**STANLEY PATRICK WEBER,**     )  
  )  
  )  
Defendant.                          )

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**MOTION FOR DISCLOSURE BY GOVERNMENT OF INTENT TO  
INTRODUCE EVIDENCE PURSUANT TO RULE 807, F.R.E.**

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**COMES NOW** the Defendant, Stanley Patrick Weber, by and through his attorney, Ryan T. Cox, of the law firm of Springer and Steinberg, P.C., and hereby moves this Honorable Court for the entry of an Order directing the United States Government to provide the Defendant with notice, prior to trial, of any statements it intends to introduce pursuant to Rule 807, Federal Rules of Evidence.

**AS GROUNDS THEREFOR**, states as follows:

1. Rule 807, F.R.E., now contains the “residual exception” to the hearsay rule. It provides, in pertinent part:

A statement not specifically covered by Rule 803 or 804 but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule, if the court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these

rules and the interests of justice will best be served by admission of the statement into evidence.

2. Pre-trial notification of intent to introduce a statement under Rule 807 is essential. The rule states:

However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement and the particulars of it, including the name and address of the declarant.

3. No time period is provided for the pre-trial disclosure of statements sought to be introduced under Rule 807. The Defendant requests the Court to direct the Government to provide notice of its intent to introduce statements under Rule 807, together with the particulars of the statements, including the names and addresses of the declarants, at least thirty (30) days prior to trial.

**WHEREFORE**, the Defendant prays for the relief requested, and for such other and further relief as to the Court seems just and proper in the premises.

Dated this 13<sup>th</sup> day of April, 2018.

Respectfully submitted,

/s/ Ryan T. Cox  
Ryan T. Cox,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of April, 2018, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties entered in the case.

/s/ Ryan T. Cox  
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